

CANDIE M. DIBBLE, WSBA #42279
Assistant Attorney General
Office of the Attorney General
Corrections Division
1116 West Riverside Avenue, Suite 100
Spokane, WA 99201-1106
(509) 456-3123

Honorable Thomas O. Rice

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

JOHN DOE 1; JOHN DOE 2; JANE
DOE 1; JANE DOE 2; JANE DOE 3;
and all persons similarly situated,

Plaintiffs,

v.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS;
STEPHEN SINCLAIR,

Defendants,

and

BONNEVILLE INTERNATIONAL,
THE MCCLATCHY COMPANY, and
ANDREA KELLY,

Interested Parties.

NO. 4:21-cv-05059-TOR

DECLARATION OF DENISE
VAUGHAN IN SUPPORT OF
DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION

1 I, DENISE VAUGHAN, make the following declaration:

2 1. I have knowledge of the facts herein, am over eighteen years of age,
3 and am competent to testify to such facts.

4 2. I am currently the Information Governance Director for the
5 Washington Department of Corrections (Department), a position I have held since
6 July 1, 2018. In this role, I oversee the Department's management of agency records
7 and information. Prior to beginning this position, I served as the Department's Public
8 Records Officer for approximately ten years, with a one-year break from December
9 2014 through January 2016, during which time I served as a Public Disclosure Unit
10 Lead for the Washington Department of Social and Health Services.

11 3. In both my previous and current Department positions, my duties have
12 included statewide oversight of the Department's public records program, including
13 policy, process, and procedure. This includes development of statewide policy and
14 rules; determination of how best to manage complex records requests; interpretation
15 and application of RCWs, WACs, and case law; advising public records staff
16 statewide regarding changes or implementation in public records law or DOC policy
17 and procedure; and tracking statewide public records statistics and trends. I also
18 supervise the Department's Public Records Unit (PRU). The PRU is a centralized
19 unit located at DOC Headquarters in Tumwater, Washington. The unit currently
20 includes 22 full-time staff: 16 Public Records Specialists, 3 Staff Supervisors, 1 Unit
21 Supervisor, and 2 support staff. Although the PRU has 16 full time exempt Public
22 Records Specialists, currently only 13 of those positions are filled. Unfortunately,

1 vacancies in the Specialists position are not uncommon and compound already high
2 workloads.

3 4. DOC operates 12 facilities, 86 field offices, and 6 Community Justice
4 Centers. There are also a number of Headquarters divisions, such as Headquarter
5 Human Resources, Contracts, and Headquarter Health Services. The Department
6 manages approximately 14,500 incarcerated offenders and supervises approximately
7 20,000 offenders in the community. The Department currently has a staff of
8 approximately 8,500 individuals, which makes it the second largest agency in the
9 state in terms of employees. The Department does not have a centralized records
10 system. Each facility maintains records for the inmates and employees at that facility.
11 The Department also has a number of different electronic record systems. Although
12 some of these systems can be accessed by staff throughout the agency, the levels of
13 access for staff vary depending on the system and the staff. As a result, the
14 Department has developed a public records response process that is coordinated
15 through the Headquarters PRU, but that relies on Public Record Coordinators in the
16 divisions, facilities, and field offices, as well as individual employees, to participate
17 in the process of searching for and submitting records that are responsive to public
18 records requests. This process is outlined in DOC Policy 280.510, Public Disclosure
19 of Records.

20 5. The Department receives thousands of public records requests each
21 year. These requests include public records requests, incarcerated individual health
22 records requests, chemical dependency requests, central file review requests, and

1 incarcerated individual health record file review requests. In 2020, the Department
2 received 12,659 public records requests. Of these requests, 6,067 were general public
3 records requests, nearly all of which (5,663 or 93%) were assigned to the PRU. For
4 Public Record Specialists, the average caseload in 2020 was 114 active requests,
5 meaning that each specialist had more than 100 active requests at any given time.
6 These numbers are published in an annual year-end report which is put together to
7 report to DOC, the Legislature, and others on the PRU's work. Attachment A is a
8 true and correct copy of the PRU's 2020 Year-End Report.

9 6. To assist in tracking and managing the Department's heavy volume of
10 public records requests, the Department uses a software system called GovQA. The
11 GovQA system assigns each public records request a unique tracking number and
12 stores documentation concerning the request, including correspondence between the
13 Department and the requester, staff correspondence, activity assignments and
14 completions, records gathered and produced, and exemption logs (if any). The
15 GovQA system also tracks metrics for requests such as exemptions applied, the date
16 of receipt, status and progress of the request, noted, message history, and closed date,
17 among others. GovQA also allows for the electronic submission, tracking of, and
18 correspondence regarding public record requests through the electronic portal on the
19 Department's website.

20 7. All Public Records Specialists in the PRU at Headquarters attend various
21 formal trainings related to the Public Records Act and processing public records
22 requests. Trainings provided by the Department have included Public Disclosure Email

1 Vault Training, Public Records Act – Offender Records, Public Records Updates, and
 2 Public Records Officers Celebrating Open Government. This does not include the
 3 informal on-the-job training and instruction that PRU employees receive on a daily
 4 basis or at regular staff meetings.

5 8. Individuals seeking to submit a public records request to the Department
 6 can either send the request through the mail or submit a request using the Department’s
 7 online portal accessible through the Department’s public website.¹

8 9. On March 12, 2021, the Department received a request through the
 9 online portal from Stacia Glenn at stacia.glenn@thenewstribune.com. The request
 10 specifically sought: “1. The number of transgender or gender non-conformist inmates
 11 who have been transferred to the Washington Corrections Center for Women (WCCW)
 12 in recent months. 2. The dates these incarcerated individuals were transferred to
 13 WCCW and the facilities they were transferred from. 3. The names and ages of these
 14 incarcerated individuals and the convictions they are currently serving time for. 4. The
 15 number of complaints and or disciplinary actions taken against these incarcerated
 16 individuals and any records associated with those complaints or disciplinary actions.”
 17 The request was assigned tracking number P-19274. Attachment B is a true and correct
 18 copy of the correspondence for P-19274.

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21 ¹[https://washingtondoc.govqa.us/WEBAPP/_rs/\(S\(2m0e3q4ofjm4kh5o1hln](https://washingtondoc.govqa.us/WEBAPP/_rs/(S(2m0e3q4ofjm4kh5o1hln00zy))/login.aspx)
 22 [00zy\)\)/login.aspx](https://washingtondoc.govqa.us/WEBAPP/_rs/(S(2m0e3q4ofjm4kh5o1hln00zy))/login.aspx)

10. On March 16, 2021, the Department received a request through the online portal from Aaron Granillo at agranillo@bonneville.com. The request specifically sought “1. The number of transgender inmates currently housed in DOC prison facilities. 2. The number of transgender inmates who are currently waiting to be transferred to a prison matching their sexual identity. 3. The number of inmates evaluated and confirmed by DOC to be transgendered. 4. The number of transfer requests made by transgender individuals that have been approved and denied. 5. Records explaining the reasoning for any denial of a transgendered incarcerated individuals request for transfer. 6. The number of transgendered incarcerated individuals who have requested gender reassignment surgery. 7. The number of transgendered incarcerated individuals who have requested and received gender reassignment surgery. 8. The number of transgendered incarcerated individuals who are currently scheduled for gender reassignment surgery. 9. The names of all transgendered incarcerated individuals who have requested, received or are scheduled for gender reassignment surgery. 10. Any infractions, complaints, reports, concerns submitted by other staff or other incarcerated individuals regarding the following individuals: Princess Zoe Marie Andromeda-Love, DOC #328585; Donna Perry, DOC #400378; William E. Martin Jr., DOC #401212; Fernando F. Chirinos, DOC #327881; Bryan P. Kim, DOC #315649; John L. Forrester, DOC #256322.” The request was assigned tracking number P-19375. Attachment C is a true and correct copy of the correspondence for P-19375.

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11. On March 19, 2021, the Department received a request through the online portal from Andrea Kelly at akelly617@icloud.com. The request specifically sought “1. The number of transgender individuals currently incarcerated broken out by facility location. 2. Number of incarcerated individuals who have been transferred from a men's facility to a women's facility since January 1, 2021. 3. The number of male incarcerated individuals who identify as female, non-binary or any other gender identity who are currently housed at a Women's prison facility. 4. The number of incarcerated individuals who have transferred from a Women's facility to a Men's facility since January 1, 2021. 5. The number of female incarcerated individuals who identify as male, non-binary or any other gender identity who are currently housed in a Men's prison facility.” The request was assigned tracking number P-19460. Attachment D is a true and correct copy of the correspondence for P-19460.

12. The Department is in the process of identifying and gathering responsive records to all three requests. The Department has already identified and is prepared to provide a first installment of records responsive to P-19375 which contain 309 pages of infraction records for inmate Princess Zoe Marie Andromeda-Love, DOC #328585.

13. When reviewing records responsive to the requests, the Department determines and applies redactions and withholdings under RCW 42.56 or other applicable statutes. The Department is currently unaware of any provision under RCW 42.56 or any other statute which specifically exempts an individual's gender identity from public disclosure.

1 14. With respect to DOC 02-420 Preferences form, DOC 02-384 Housing
 2 Protocol for Transgender, Intersex and Gender Non-Conforming Individuals form, the
 3 Prison Risk Assessment, Prison Rape Elimination Act investigation reports, legal face
 4 sheets, infraction reports or grievance documents, none of these forms/documents are
 5 withheld in their entirety under RCW 42.56. While the form/document may be
 6 determined not to be withheld in its entirety, forms/documents could contain content
 7 that may be redacted under RCW 42.56. For example, if a legal face sheet was identified
 8 as responsive to a public records request, the individual's social security number, victim
 9 information and other content exempt under RCW 42.56 would be redacted before
 10 providing the record to the requestor.

11 15. In reviewing the tracking spreadsheet for inmates who identify as
 12 transgender, intersex and gender non-conforming, attached to the declaration of Jeneva
 13 Cotton as Attachment D, the document does not contain information that would be
 14 redacted or withheld under RCW 42.56.

15 16. Without a signed authorization, any record contained in an inmate's
 16 medical file, which also includes records related to their mental health and dental
 17 treatment, would be withheld in their entirety under RCW 70.02. In addition, inmate
 18 medical, mental health, dental diagnosis and treatment information would be redacted
 19 if the information was included by a provider and contained outside of the inmate's
 20 medical record. For example, if an inmate's DOC 02-384 Housing Protocol for
 21 Transgender, Intersex and Gender Non-Conforming Individuals form included
 22 information related to the inmate's gender dysphoria diagnosis and treatment or genital

1 anatomy from a mental health or medical provider, that information would be redacted
2 from the document under RCW 70.02 before providing the record to the requestor in
3 response to a PRA request. However, if the inmate included the information voluntarily
4 in a grievance or some other record, the Department would not apply a redaction in
5 response to a PRA request.

6 17. The Department is unaware of any exemptions under RCW 42.56 or
7 other statute which would permit redaction of information related to an inmate's sexual
8 orientation, sexual history, or history of alleged sexual victimization if contained
9 outside of an inmate's medical record.

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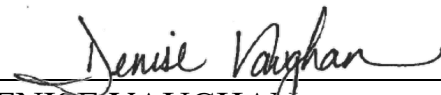
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16 18. While Department policies may establish that records are maintained as
17 confidential for the purposes of staff access and dissemination of the contents to the
18 prison population that does not preclude the Department from its statutory obligation
19 of production of the records in response to a public disclosure request. For example,
20 while DOC Policy 490.700 indicates that disclosure of an individual's sexual
21 orientation, gender expression/transition status, intersex status or gender identity will
22 be maintained as confidential for administrative and custodial purposes, the policy does

1 not create an exemption of this information in response to a public disclosure request
2 under RCW 42.56.

3 I declare under the laws of the United States of America that the foregoing is
4 true and correct.

5 DATED this 20th day of April, 2021, at Tumwater, Washington.

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8 DENISE VAUGHAN
9 Information Governance Director
10 Washington Department of Corrections
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